

DWP Central Freedom of Information Team

e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

Our Ref: VTR5059

DATE: 20 January 2016

Dear Ms Harriman,

Thank you for your Freedom of Information request of 3 December 2015. You asked:

*1. Please could you direct me to any DWP guidance which explains which - if any - third party deductions from Universal Credit are able to be taken at a reduced rate, on request from the claimant?*

*2. Please could you also provide any documentation which states whether or not the 40% maximum (applied to certain third party deductions) can be exceeded and under which circumstances?*

*Please note: I am NOT referring to the situation whereby deductions for the on-going costs for fuel and or water consumption can exceed the 40% limit, nor to the situation whereby third party deductions for housing costs, rent and /or fuel can be taken even when the 40% deduction is already in place, where the DWP consider it to be in the claimant's best interests that these deductions continue.*

*3. I understand that an Advance Payment can be refused if the claimant does not appear to be able to afford repayment because other deductions are already in place. However if the other deductions are lower down the priority list than Advance repayments why cannot the deductions already in place (at a lower priority order) be delayed until the Advance repayment is paid off? That would mean the claimant could afford an Advance repayment and the Advance could be made.*

It may be helpful if I start by clarifying the remit of the Freedom of Information Act. The Act gives any person legal right of access to any and all recorded information which is held by a public authority. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. In cases where a person asks a question, rather than requests recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

1. This information is not available but reference to it can be found in the Universal Credit, Personal Independence Payment, Jobseekers Allowance, Employment and Support Allowance (Claims and Payment) Regulations 2013.

<http://lawvolumes.dwp.gov.uk/docs/a14-6701.pdf>

2. This specific information is not available.
3. To guard against hardship, the majority of claimants will not have more than the equivalent of 40% of their Universal Credit standard allowance deducted. If deductions being taken from a claimant's benefit sit above an advance in the deductions priority order they will take priority over the payment of an advance. However, if deductions being taken from a claimant's benefit sit below an advance in the deductions priority order, an advance will take priority over those deductions and the recovery of those deductions may be delayed until the advance is recovered.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy Fol Team

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**Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF [www.ico.gov.uk](http://www.ico.gov.uk)